

**STATE OF LOUISIANA
DEPARTMENT OF CIVIL SERVICE
BATON ROUGE, LA**

September 19, 2006

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**STATE PERSONNEL MANUAL
TRANSMITTAL SHEET
NO. 424**

To: HEADS OF STATE AGENCIES AND PERSONNEL OFFICERS

Subject: Amendments Within Chapter 11 of the Civil Service Rules

Issue Date: September 19, 2006

At its meeting on September 13, 2006 the State Civil Service Commission adopted changes within Chapter 11 of the Civil Service Rules.

If there are any questions regarding the subject matter in this transmittal sheet, please call the Program Assistance Division at (225) 342-8274.

Please make the following changes in your Civil Service Rules:

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Sincerely,

s/Anne S. Soileau
Director

CHAPTER 11**HOURS OF WORK, ANNUAL, SICK AND OTHER FORMS OF LEAVE****11.1 Full-Time Employees.**

(a) Subject to the provisions of subsections (b) and (c) hereof, the work week for each full-time employee in the classified service shall be forty (40) hours; or an appointing authority may specify an alternate 80-hour, two-week work period for exempt employees.

(b) An appointing authority, with the approval of the Commission, may specify a work week exceeding forty (40) hours for employees in specific classes of positions within his agency, or for employees in specific divisions or activities within his agency.

(c) Subject to the provisions of subsections (a) and (b) of this Rule, the appropriate appointing authority shall designate and record the number of hours and days, which will constitute the regular work week of each full-time employee.

(d) Each specification prepared under the provisions of subsection (b) of this Rule shall be filed with the Director.

11.2 Part-Time Employees.

(a) When the services of an employee are not needed on a full-time basis his appointing authority may establish a regular tour of duty for him on a part-time basis.

(b) The appropriate appointing authority shall designate and record the number of hours and days, which will constitute the regular work week of each part-time employee.

11.3 Intermittent Workers.

When the services of an employee are not needed on a regularly scheduled basis, the appointing authority may appoint an employee to serve on an intermittent hourly, daily, weekly or monthly basis.

11.3.1 Repealed and Re-enacted in Rule 21.1, effective December 31, 2003.**11.4 Repealed and re-enacted effective July 1, 1973 as Rules 1.3.1 and 1.39.1.****11.5 Earning of Annual and Sick Leave.**

(a) Annual and sick leave shall be earned by each full-time and each part-time employee who has a regular tour of duty, except that no employee shall earn annual or sick leave while serving on restricted appointment or while using leave from an agency leave pool as defined in Rule 11.34.

(b) The earning of such leave shall be based on the equivalent of years of full-time State service and shall be creditable at the end of each calendar month or at the end of each regular pay period in accordance with the following general schedule:

1. Less than three years of service, at the rate of .0461 hour of annual leave and .0461 hour of sick leave for each hour of regular duty.
2. Three years but less than five years of service, at the rate of .0576 hour of annual leave and .0576 hour of sick leave for each hour of regular duty.
3. Five years but less than ten years of service, at the rate of .0692 hour of annual leave and .0692 hour of sick leave for each hour of regular duty.
4. Ten years but less than fifteen years of service, at the rate of .0807 hour of annual leave and .0807 hour of sick leave for each hour of regular duty.
5. Fifteen or more years of service, at the rate of .0923 hour of annual leave and .0923 hour of sick leave for each hour of regular duty.

(c) Repealed, effective July 1, 1973.

(d) No employee shall be credited with annual or sick leave

1. For any overtime hour.
2. For any hour of leave without pay.
3. Repealed 9/13/2006.
4. For any hour in on-call status outside his regular duty hours as defined in Rules 11.1 and 11.2.
5. For any hour of travel or other activity outside his regular duty hours as defined in Rules 11.1 and 11.2.
6. For any hour of a holiday or other non-work day which occurs while he is on leave without pay.

11.6 Carrying Leave Forward.

(a) Accrued unused annual and sick leave earned by an employee shall be carried forward to succeeding calendar years.

(b) Repealed, effective March 15, 1973.

11.7 Use of Annual Leave.

- (a) Annual leave must be applied for by the employee and may be used only when approved by the appointing authority or his designated representative.
- (b) Annual leave shall not be charged for non-work days.
- (c) Each appointing authority shall select a method to charge the annual leave records of all employees. The minimum charge to annual leave records shall be not less than one-tenth hour (6 minutes) nor more than one-half hour.
- (d) The appointing authority shall use the same method for charging to leave records for both annual and sick leave.

11.8 Repealed, effective December 17, 1957.

11.9 Enforced Annual Leave.

- (a) Subject to subsection (b) hereof, and military leave provisions in Rule 11.26, an appointing authority may require an employee to take annual leave whenever in his administrative judgment such action would be in the best interest of the Department.
- (b) No employee shall be required to reduce his accrued annual leave to less than 240 hours except;
 - (1) prior to being granted leave without pay, but subject to the right granted the employee by the military leave provisions of these rules; or,
 - (2) where it is determined that the need to be absent from work is because of a condition covered by the United States Family and Medical Leave Act.
 - (3) if the leave is required during closures in accordance with Rule 17.1(b) as a layoff avoidance measure.

11.10 Payment for Annual Leave Upon Separation.

- (a) Subject to Rule 11.18(a) and sub-section (b) of this rule, each employee upon separation from the classified service shall be paid the value of his accrued annual leave in a lump sum disregarding any final fraction of an hour; provided, that the privileges of this rule shall not extend to any employee who is dismissed for theft of agency funds or property. The payment for such leave shall be computed as follows:
 1. When an employee is paid wages on an hourly basis, multiply his regular hourly rate by the number of hours of accrued annual leave.
 2. When an employee is paid on other than an hourly basis, determine his hourly rate by converting his salary in accordance with provisions in the uniform pay plan for conversion to a working hourly rate. Multiply his converted hourly rate by the number of hours of accrued annual leave.

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20.58 (11.10 Payment for Annual Leave Upon Separation – continued)

(b) No terminal payment for annual leave earned under these Rules shall exceed the value of 300 hours, computed on the basis of the employee's hourly rate of pay (includes base supplement) at the time of his separation. The hourly rate of pay for employees who are on detail shall not include the employee's pay in the detail position.

(c) No payment for annual leave under this Rule shall operate to continue the payee as a classified employee beyond the last day of active duty.

(d) Payment for annual leave earned under administrative rules or regulations in effect prior to July 1, 1953 may be made upon separation in accord with such rules or regulations.

(e) When an employee who has been paid under this Rule for accumulated annual leave is reemployed in a classified position, he shall pay the Department which reemploys him the value of such annual leave at the rate paid him less the value of working hours for which he has been paid which intervene between the last day worked and the date of reemployment and shall be given credit for the number of hours of annual leave for which he has made reimbursement, except when:

1. an employee returns to work for the first time after retirement or
2. an employee is rehired into a job appointment or non-leave earning position, he/she shall not be required to make reimbursement.

(f) Repealed and reenacted as Sub-section (d)6 of Rule 11.5, effective July 1, 1973.

(g) Repealed, effective June 8, 1983.

11.10.1 Payment for Sick Leave When Employee Is Non-disciplinarily Removed under Rule 12.6(a)1

When an employee is removed in accordance with Rule 12.6 (a)1, he shall be paid the value of his accrued sick leave in a lump sum, based on his regular hourly rate of pay, unless he is reemployed in probational or permanent status in the classified state service or is reemployed in the unclassified service, without a break in service of one or more working days, in which cases the sick leave will transfer to the employing agency.

11.11 Repealed, effective December 17, 1957.

11.12 Repealed, effective December 17, 1957.

11.13 Use of Sick Leave.

(a) Sick leave may be utilized by an employee who has sufficient leave to his credit for necessary absence from duty because of:

1. Illness or injury which prevents him from performing his usual duties.
2. Medical, dental, or optical consultation or treatment.

3. Repealed, effective January 1, 1963.

(b) Sick leave shall not be charged for non-work days.

(c) Each appointing authority shall select a method to charge the sick leave records of all employees. The minimum charge to sick leave records shall be not less than one-tenth hour (6 minutes) nor more than one-half hour.

(d) Repealed, effective June 30, 1972.

(e) The appointing authority shall use the same method for charging to leave records for both annual and sick leave.

11.13.1 Enforced Sick Leave

An appointing authority may place an employee on sick leave when the employee asserts the need to be absent from the work place because of the employee's illness or injury.

11.14 Certificate Required When Sick Leave Taken.

An employee who has taken sick leave shall file with his appointing authority a certificate stating the cause of his absence and the amount of time taken. The appointing authority may require a statement from a registered physician or some other acceptable proof that the employee was ill and unable to report to work.

11.15 Repealed, effective July 11, 1984.

11.16 Repealed, effective December 17, 1957.

11.17 Repealed, effective December 17, 1957.

11.18 Cancellation or Continuance of Annual and Sick Leave.

(a) When an employee separates from the state classified service, all accrued annual leave except that which must be paid and all accrued sick leave except that which must be paid under Rule 11.10.1 shall be cancelled; however, if the employee is reemployed in probational or permanent status in the classified service or is reemployed in the unclassified service without a break in service of one or more working days, all of the employee's annual and sick leave shall be transferred to the employing agency.

(b) Subject to the provisions of Rule 11.19, when a former employee is reemployed with permanent or probationary status within 5 years of his separation, all accrued annual and sick leave that was cancelled upon separation shall be recredited to him; provided, that the privileges of this Rule shall not extend to an employee whose last separation was by dismissal or resignation to avoid dismissal.

(c) Repealed, effective August 5, 1992.

(d) Repealed, effective August 5, 1992.

(e) Repealed, effective August 5, 1992.

11.19 Transferring Annual and Sick Leave Between Departments.

(a) Repealed, effective July 1, 1973.

(b) Subject to the provisions of Subsection (c) of this Rule, all annual leave accrued by an employee for which he is not paid and all sick leave accrued by him whenever he changes from employment in one department to employment in another department within a period of thirty calendar days shall be certified by his former department to the other department and shall be credited to the employee.

(c) All annual leave accrued by an employee for which he was not paid and all sick leave accrued by him at time of separation to enter military service shall be credited to him upon his reemployment in a classified position following such military service.

(d) The annual and sick leave credits of a state employee, earned under the provisions of a formal system of leave accrual and use, or employed by an entity that employs state classified employees on a regular basis, who enters the Classified Service, shall be certified and credited in the same manner as provided in this rule for classified employees.

11.20 Repealed, effective December 17, 1957.

11.21 Workmen's Compensation Payments.

When an employee is absent from work due to disabilities for which he is entitled to workmen's compensation he

(a) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.

(b) may, to the extent of the amount accrued to his credit, be granted annual leave or a combination of annual and sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.

(c) may be granted leave without pay.

Rule 11.21.1

(a) When an employee engaged in law enforcement work is disabled while in the performance of duty of a hazardous nature, and because of such disability is unable to perform his usual duties, his appointing authority may, with prior approval of the Director, grant such disabled employee a leave of absence with full pay not to exceed six months during the period of such disability without charge against the employee's accumulated sick or annual leave, provided such employee must pay to his Department all amounts received by him as Workmen's Compensation benefits. Requests for such leave shall be submitted in writing by the appointing authority and shall include all information necessary to determine whether an employee is covered by this Rule.

(b) If a request, made in accordance with the provisions of Subsection (a) of this Rule, is found to be questionable or if the leave requested exceeds or later extends beyond six months, the Director shall submit such request to the Commission for its review and approval.

11.22 Repealed, effective December 17, 1957.

11.23 Civil, Emergency, and Special Leave.

An employee serving with job appointment, probationary or permanent status shall be given time off without loss of pay, annual leave, or sick leave when:

- (a) Performing jury duty.
- (b) Summoned to appear as a witness before a court, grand jury, or other public body or commission, provided that for purposes of this Subsection a plaintiff or defendant shall not be considered a witness, nor shall this Subsection apply to an employee summoned as a witness as a result of employment other than State employment.
- (c) Performing emergency civilian duty in relation to national defense.
- (d) His appointing authority determines that he is prevented by an act of God from performing duty.
- (e) Amended and Re-enacted effective January 11, 1989 as Rule 11.23.2.
- (f) Participating in a State Civil Service examination on a regular work day, or taking a required examination pertinent to the examinee's State employment, before a State licensing board.
- (g) The appointing authority determines that because of local conditions or celebrations it is impracticable for his employees in such locality to work.
- (h) The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States.
- (i) The employee is a member of the National Guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergent nature which threatens or affects the peace or property of the people.
- (j) Engaged in the representation of a client in a criminal proceeding pursuant to an order of a court of competent jurisdiction, provided if compensation for such services is available from another source, he may not accept the special leave and the compensation.

20.62 (11.23 Civil, Emergency, and Special Leave – continued)

(k) The employee is a current member of a Civil Air Patrol and incident to such membership is ordered to perform duty with troops or participate in field exercises or training, except that such leave shall not exceed 15 working days in any one calendar year and shall not be used for unit meetings or training conducted during such meetings.

11.23.1 Funeral Leave.

Probationary and permanent employees may be granted time off without loss of pay, annual leave or sick leave when attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grand-parent, or grand-child; provided such time off shall not exceed two days on any one occasion.

11.23.2 Voting Leave

A probationary or permanent employee may be granted time off without loss of pay, annual leave or sick leave when voting in a primary, general or special election which falls in his regularly scheduled work day, provided not more than two hours of leave shall be allowed to vote in the parish where he is employed and not more than one day to vote in another parish.

11.23.3 Voluntary Disaster Service Leave

A full-time probationary or permanent employee may be granted time off without loss of pay, annual leave, compensatory leave, or sick leave, for a period not to exceed 15 work days in any calendar year, to participate in American Red Cross relief services in Louisiana for disasters designated at Level III or above in the American Red Cross Regulations and Procedures. Such employees must have received a certification from the American Red Cross as a Trained Disaster Volunteer. All such requests must be made in writing and approved by the appointing authority.

11.24 Educational Leave.

(a) Leave without pay for educational purposes may be granted an employee for a period equivalent to the period of attendance at the educational institution.

(b) Educational leave with pay may be granted an employee for a maximum of thirty calendar days in one calendar year if the course of instruction to be taken is pertinent to the work of the employee in his Department, provided that a permanent employee may be granted such leave for a maximum of ninety calendar days in one calendar year if the Department requires him to take special training.

(c) Employees granted educational leave without pay may be granted a stipend if there are funds available for that purpose.

11.25 Repealed, effective June 30, 1972.

11.26 Military Leave.

The provisions of this rule shall apply to members of a Reserve Component of the Armed Forces of the United States who are called to duty for military purposes, and to members of National Guard Units which are called to active duty as a result of a non-local or non-state emergency.

(a) Military Leave with Pay.

1. Provided they give advance notice, employees serving on job appointment, provisional, probationary or permanent status, shall be entitled to military leave with pay.
2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.
3. Maximum military leave with pay for military purposes is 15 working days per calendar year.

(b) Use of Annual and Compensatory Leave for Military Purposes.

1. Employees serving on job appointment, provisional, probationary or permanent status, who give advance notice of military obligations and apply for annual or compensatory leave for military purposes, shall be granted such leave.
2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.

(c) Use of Leave Without Pay for Military Purposes.

Employees serving on job appointment, provisional, probationary or permanent status, who have either exhausted annual leave and compensatory time or choose not to use their paid leave for military purposes, shall be placed on leave without pay. This period of leave without pay for military purposes shall not exceed six years. After six years, he/she shall be separated from the classified service. This rule does not extend the term of temporary appointments which were made for less than six years; if the original term of the appointment was less than six years, the agency may end the appointment as originally scheduled and the employee may be separated.

(d) Rights Upon Return.

Provisional, probational and permanent employees and employees serving on job appointments returning to their classified positions under the provisions of this Rule or Rule 8.19, which governs time frame requirements for restoration to state employment, shall return with such seniority, status, pay, and annual and sick leave accrual rates as they would have had if they had not been absent for military training or military active duty; however, both provisional and probational status shall be governed by the provisions of Rule 9.3.

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20.63.1 (11.26 Military Leave – Continued)

(e) Repeal entire section as it applied only to Persian Gulf Crisis of 1990.

(f) Repeal entire section as it applied only to Persian Gulf Crisis of 1990.

(g) The provisions of this section of the rule apply to employees serving on job appointment, provisional, probationary or permanent status, who are called to active duty, and who are on Leave Without Pay by choice or because all annual and/or compensatory leave has been exhausted. The provisions of this subsection (g) shall apply retroactively to September 11, 2001. The provisions of this subsection (g) shall NOT apply to employees on "inactive duty for training" (weekend drills).

1. When Military Leave with Pay as provided in Rule 11.26(a) has been exhausted, an employee whose military base pay is less than his state base pay shall be paid the difference between his military base pay and his state base pay in his regular position. Such payment shall be made on the same frequency and manner as the employee's regular state pay, unless other voluntary arrangements are made. Employees receiving the pay differential shall provide to agency officials any documentation appropriate to ensure the payment amount is calculated correctly. Employees who choose to use their annual leave during their period of military absence shall not be eligible for receipt of the pay differential, unless the leave was used between September 11, 2001, and the date of the adoption of this rule, in which case subparagraph (4) shall apply.

2. Employees shall continue to accrue sick and annual leave for the entire period of service, beginning the date of the service. Leave shall be accrued on the same basis as though the employee had not been activated. Leave earned shall be credited to the employee upon his return from active duty.

3. Employees who are on Leave Without Pay shall receive, each calendar year, the full 15-days of Military Leave with Pay provided in Rule 11.26(a)3. The pay differential allowed in 11.26(g)1 shall be suspended until the 15-day Military Leave with Pay period is exhausted and the employee returns to Leave Without Pay status.

4. If paid leave has been used during any portion of service from September 11, 2001, through the date of adoption of this rule, an employee who chooses to use the pay differential option shall have his leave balance reccredited with a leave amount equal to the value of the pay differential the employee would have received had this rule been in effect on September 11, 2001.

(h) A probationary or permanent employee, who was called to active duty for military purposes and who resigned from state service, may, at his request, and within 90 days of his release from active duty, have his resignation rescinded and become eligible for the benefits of subsection (g) of this rule.

11.27 Leave of Absence Without Pay.

(a) An appointing authority may extend leave of absence without pay to an employee, provided that such leave shall not prolong the period of the employee's appointment.

(b) Abolish effective October 1, 2000.

(c) The appointing of a provisional employee who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such expiration date.

(d) The appointment of an employee who has not completed his probationary period and who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such expiration date.

(e) A permanent employee who has been extended leave of absence without pay under the provisions of Subsection (a) or (b), or both, hereof shall be restored to duty in pay status on or before the first working day following the expiration of such leave of absence. If the employee fails to report for or refuses to be restored to duty in pay status on the first working day following the expiration of his approved leave of absence without pay, or at an earlier date upon reasonable and proper notice from his appointing authority, he shall be considered as having deserted his position and shall be separated in accordance with the provisions of Chapter 12 of these Rules.

(f) An appointing authority on its own initiative or at the request of the employee may curtail a period of leave of absence without pay extended to an employee, provided such curtailment is for the best interest of the State service and reasonable and proper notice thereof is furnished to the employee. Curtailment must not conflict with the provisions of Rule 11.26(b).

(g) In addition to any disciplinary action which may be imposed against an employee for an unapproved absence, such employee may be placed on leave without pay by his appointing authority for the period of unapproved absence.

11.27.1 Leave Prohibited to Assume an Unclassified Position.

A probationary employee shall not be granted leave to serve in an unclassified position.

11.28 Holidays.

(a) An employee, who is required by his appointing authority to work on his official holiday, shall be entitled to compensatory leave or overtime pay benefits as authorized in Chapter 21 of these Rules.

(b) When a holiday falls on an employee's regular day off, and the appointing authority requires the employee to work on his designated holiday and the actual holiday, the appointing authority shall select only one of the two days as the employee's official holiday for overtime compensation as provided by the Rules contained in Chapter 21. The other day is to be compensated as regular overtime work.

(c) Repealed, effective June 7, 1989.

11.29 Repealed and Re-enacted in Rules 21.4, 21.6, 21.7, 21.10 and 21.11, effective December 31, 2003.

11.30 Repealed, effective December 17, 1957.

11.31 Forms

The departments shall maintain uniform records on all types of leave on forms prescribed by the Director.

11.32 Repealed, effective December 17, 1957.

11.33 Repealed, effective December 17, 1957.

11.34 Crisis Leave Pool

Subject to the provisions of Rule 11.5(a), a department may establish a policy to implement and administer a pool of shared annual leave which may be used by employees who cannot work due to a crisis situation and who have insufficient appropriate paid leave to cover the absence needed for the crisis situation. An employee using leave from a crisis leave pool shall receive leave in sufficient quantity to ensure his wage replacement is 75% of the pay he would receive in a regularly scheduled workweek. A department's policy must have the approval of the Civil Service Commission prior to implementation. At minimum, policies must include the following conditions and elements:

1. Classified employees must have attained permanent status to be eligible to donate or use leave from the leave pool.
2. Each Department shall specify the calendar year or the fiscal year as their "crisis leave pool policy year". The department's policy shall establish a cap on the amount of annual leave which may be donated by an individual employee. No cap shall exceed 240 hours per employee per policy year.
3. The department's policy shall establish a reasonable balance of annual leave that donors are required to retain after the leave donation.
4. The department's policy shall establish a cap on the amount of leave which may be used by an individual employee. The cap shall not exceed 240 hours during one calendar year.

20.66 (11.34 Crisis Leave Pool – continued)

5. The department's policy shall establish and clearly define eligibility criteria and the crisis situations which will be covered.
6. The department's policy shall define a procedure for administering the leave pool.
7. The department's policy shall establish a prohibition against the use of coercion or pressure to donate leave.
8. The department may establish other policy elements and conditions as deemed necessary. All additional elements and conditions shall be in compliance with Civil Service Rules.
9. A department's leave pool may be either: 1) a pool consisting of leave hours donated and used, or 2) a pool consisting of the dollar value of the leave donated and used.

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